

## **REMARKS/ARGUMENTS**

### **I. Pending Claims**

Claims 1-22 are pending in the above-referenced application, with claims 1, 4, 5, 8, and 19 being independent claims.

### **II. Rejection of Claims under 35 U.S.C. § 103**

Claims 1-22 are rejected as being unpatentable under 35 U.S.C. § 103(a) over Domel et al. (U.S. Pat. No. 6,060,852), Peterson et al. (U.S. Pat. No. 5,170,108) and/or Bresson et al. (U.S. Pat. No. 5,402,047).

#### **A. Claims 1-7**

Claims 1-7 are rejected as being unpatentable under 35 U.S.C. § 103(a) over Domel in view of Peterson. Specifically, it is asserted that even though Domel does not disclose a remote control having up and down buttons for use in the controlling of a blind, that Peterson “discloses that a remote control having up and down buttons is well known.” In essence, it is asserted that one of ordinary skill in the art would have been motivated to combine the teachings of Domel with Peterson and thereby provide a remote control having up/down buttons used to control the operation of a blind. Applicant respectfully disagrees.

To establish a *prima facie* case of obviousness, the prior art reference, or references when combined, must teach or suggest every limitation of the claimed invention. See MPEP § 2143. Further, there must be some motivation or suggestion to combine the references. See MPEP § 2143.01. Notably, if the “proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.” See MPEP § 2143.01, p. 2100-131. Also, if “the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.” See MPEP § 2143.01, p. 2100-132. As discussed below,

Express Mail No. EV622973248US  
Application No. 10/732,747  
Reply to Office Action of February 8, 2005

combining Peterson with Domel results in an unsatisfactory modification of Domel from its intended purpose of providing a simple, low power consumption control mechanism. Further, modifying Domel to incorporate the up/down buttons of Peterson would “change the principle of operation” of the Domel system and would also require additional receiving and processing components. Thus, the combination of Domel with Peterson is improper and does not set forth a *prima facie* case of obviousness.

*i. Domel + Peterson Results in Changes to Intended Purposes of Domel*

As set forth in the Background section, some of the objects (or intended purposes) of the Domel invention are to “provide a comparatively simple device, ... [that] consumes relatively little power, ... [and] is easy to use and cost-effective.” (Domel, 2:34-47). As described previously in an Office Action response of 10 November 2004, the circuits described in Domel facilitate the accomplishment of these objects through the use of motor run and motor direction flip-flops that control operation and direction of the motor and covering, which envisage coordinated operation with a signal generator having only one pushbutton. The use and support for a single pushbutton remote, in Domel, results in a product that is simple to use.

In contrast and comparatively speaking, in Peterson a simple product is not provided. Instead, the Peterson remote and required receiving system necessitates the use of decoders (to decode one of many signals sent by a remote), processors (to verify the signals received are valid), and the associated control programs (whether in firmware or software) used to program and control the operation of the device. Hence, modifying Domel with Peterson results in a comparatively complicated device and thus fails to satisfy an intended purpose of the Domel invention – providing a simple device. Therefore the combination of Domel with Peterson is improper.

Similarly, by using a single push-button remote, Domel achieves power savings not possible with Peterson. Specifically, in Domel a command signal of between 1500us-5000us is received from a remote. This signal, upon detection, results in the blinds being raised, stopped or lowered, and/or rotated clockwise or counter-clockwise, as based upon the current state of the various flip flops used in the control circuit.

(Domel, 14: 60-68 and Fig. 7). One would readily appreciate that very little power is consumed by the Domel control circuit. In contrast, in Peterson, every time a signal is received decoding and processing of the same must occur. The signal must be decoded, then the bits in the signal are processed to determine direction of travel, speed of travel, and other parameters. Then, output signals are provided by the processor to the various control mechanisms. Simply stated, the Peterson system is arguably considerably less efficient than the Domel system.

Third, Domel provides a system which is easy to use. The very fact that Domel is easy to use is demonstrated by the number of single button garage door openers in use today. Children and other non-technically trained persons can readily understand and operate a single button remote by simply picking up the device and pushing the button. Use of such a device is intuitively obvious to practically everyone. In contrast and comparatively speaking, the Peterson system is considerably more complicated. This fact is highlighted by the numerous flow charts Peterson et al. uses to describe the operation of their system. Further, the complexity of the Peterson system is demonstrated by the preferred embodiment which includes a remote with ten buttons, three command keys and at least two operating modes (single station versus simultaneous control of all shades). (Peterson, 3: 50-66). Applicant asserts that a remote with one button is simple to use, whereas a remote with 10 buttons is not (comparatively speaking). Therefore, the combination of Domel with Peterson is improper.

ii. Domel + Peterson Changes the Principle of Operation of Domel

As discussed above, a *prima facie* case of obviousness does not exist when the combination of two references results in a change in operation of the primary reference. In the present case, combining Peterson's multi-button remote with Domel results in such a proscribed change in operation in Domel. Arguably, in order to accommodate Peterson's multi-button remote, significant portions of Domel's control electronics would need to be replaced/modified. The control circuit shown in Figure 7 of Domel is incompatible with the two-button remote system of Peterson because flip-flops are

designed to operate based upon a single input signal. In contrast, a two button remote invariably generates at least two input signals. Thus, Domel's control circuit and the flip-flops used therein would need to be significantly modified to accommodate two input signals.

Similarly, Peterson's use of "up" and "down" buttons would fail to address the need to "stop" the movement of the blinds. Specifically, in Peterson speed and direction of blind movement is accomplished by the pressing and release of one or more buttons. For example, Peterson, at col. 4: lines 1-7 discusses a "hold" and "release" method of blind control. Such a process would not work in Domel because continually pressing a button would simply result in the receipt of multiple commands which would cause the flip-flops to repeatedly "flip"/change state. Were a button to be held and released for a given number of cycles in Domel, the blinds might end up going nowhere (just as when one repeatedly holds a garage door opener button, nothing happens). Likewise, the release of a button in Domel does not "stop" the blind movement. Such occurs by another pressing of the single button and the corresponding state change of the flip-flops. Thus, even assuming Domel's flip-flops could be modified to accommodate two input signals, the principles of operation for Domel would be invariably changed.

Simply stated, one of ordinary skill in the art would recognize that in order to combine Peterson's remote with Domel's system, significant modifications to the control electronics and the principles of operation of the Domel system would be required. Therefore, Domel in view of Peterson fails to set forth a *prima facie* case of obviousness.

#### **B. Claims 8-18, 20, 21 and 22**

Claim 8-18, 20, 21 and 22 are rejected as being unpatentable under 35 U.S.C. § 103(a) over Bresson in view of Peterson. Specifically, it is asserted that even though Bresson does not disclose "up" and "down" buttons, the use of the same is well known as shown by Peterson. Applicant respectfully disagrees.

As discussed above, there must be some motivation or suggestion to combine references in order to set forth a *prima facie* case of obviousness. Further, when the

Express Mail No. EV622973248US  
Application No. 10/732,747  
Reply to Office Action of February 8, 2005

combination of references results in a change in the principle of operation of the base reference, such combination is improper. In the present case, this impropriety is clearly demonstrated by the fact that the Bresson system/device does not accommodate a feedback loop, a required component in Peterson. Without such feedback loop, Peterson is most likely inoperable. That is, one of ordinary skill would recognize that Bresson in view of Peterson's two button remote requires the use of a feedback loop. Yet, the addition of a feedback loop to the Bresson system results in a non-substantial change in the principle of operation thereof. For example, instead of a user pressing and holding a button in order to cause a shade to go up/down/rotate/etc., the user instead would merely press one or more buttons and the system would then automatically operate to raise/lower/rotate the shades as desired. The Bresson system is designed for user active control, Peterson is designed for automated control. the principles of operation are significantly different.

Simply stated, one would not be motivated to simply replace the single button remote in Bresson with Peterson's two button remote because an automated, feedback controlled system is not the operating system Bresson et al. intended to implement. Therefore, a *prima facie* case of obviousness for claims 8-18, 20, 21 and 22 has not been set forth.

### **C. Claims 19, 20, 21 and 22**

Claim 19, 20, 21 and 22 are rejected as being unpatentable under 35 U.S.C. § 103(a) over Bresson in view of Domel. Specifically, it is asserted that Bresson discloses all of the recited elements except the use of signals. But, Domel discloses manual buttons that are interchangeable with signals and that it would have been obvious to modify Bresson to include a manual button in order to reduce the change of operational failure. Applicant respectfully disagrees.

As discussed above, to establish a *prima facie* case of obviousness, the prior art reference, or references when combined, must teach or suggest every limitation of the claimed invention. In the present case, claim 19 (and thereby dependent claims 20, 21 and 22) recites in part "(b) monitoring an amount of transmissivity of said adjustable

Express Mail No. EV622973248US  
Application No. 10/732,747  
Reply to Office Action of February 8, 2005

covering ... and (e) commanding said motor to make a predetermined adjustment ... based upon ... said monitored amount of transmissivity." Neither Bresson nor Domel discuss the monitoring of the amount of transmissivity or the control and operation of a motor based thereon. Therefore, Bresson in view of Domel fails to teach or suggest every limitation of claims 19, 20, 21 and 22 and does not render such claims obvious.

### **III. Conclusion**

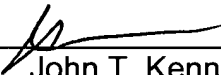
For at least the reasons discussed herein, each of claims 1-22 are non-obvious over the cited prior art of record and are in form for allowance. A Notice of Allowance is respectfully requested. Should the Examiner have any questions regarding this matter than can be resolved via a telephone call, the Examiner is encouraged to contact the attorney listed below.

Applicant believes no fees or petitions are due with this filing. However, should any such fees or petitions be required, please consider this a request therefore and authorization to charge Deposit Account No. 04-1415 as necessary.

Respectfully submitted,

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